



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23090 of 2021

Kathiravan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Mannargudi Taluk Police Station
Thiruvarur District.
Crime No: 628 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No. 628 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Kingston Jerold

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

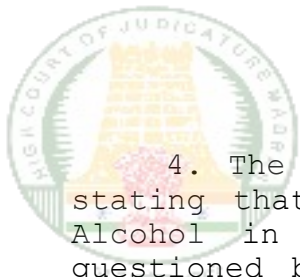
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 05.11.2021 for the offences under Sections 294(b), 323, 506(ii) and 436 of I.P.C, in Crime No.628 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner attacked the de facto complainant with wooden log and set fire on his property. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and that he has been suffering incarceration for more than 25 days from 05.11.2021. He would further submit that the co-accused in this case has been granted bail by this Court in Crl.O.P.No.22935 of 2021 dated 01.12.2021 and that the petitioner is ready to abide by any stringent condition as may be directed by this Court and would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner along with other accused was consuming Alcohol in the defacto complainant's property and the same was questioned by the defacto complainant. Hence, the petitioner along with other accused attacked the defacto complainant and set fire on his shed but admits that the injured was treated as out patient and the investigation is almost completed.

5. Considering the fact that the co-accused has been granted bail by this Court and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court-I, Mannargudi, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) through demand draft to the Registered Legal Services Authority, Thiruvavur District, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police on every Tuesday at 10.30 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala* [(2005) AIR SCW 5560]; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
02/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-I,
MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MANNARGUDI TALUK POLICE STATION,
THIRUVARUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, NAGAPATTINAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED
LEGAL SERVICES AUTHORITY,
THIRUVARUR DISTRICT.

+1CC to M/S.S.KINGSTON JEROLD Advocate on payment of necessary charges SR.NO.13957

CRL OP.23090/2021

Date :02/12/2021

CSK 03/12/2021